

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ANGEL DAVID MORALES-VALLELLANES,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,  
et al.,

Defendants.

CIVIL NO. 97-2459 (JAG/GAG)

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE  
TO PROSECUTE AND/OR TO AMEND DISCOVERY SCHEDULE**

TO THE HONORABLE COURT:

COME NOW the defendants, and through its undersigned attorneys, respectfully move the Court to dismiss plaintiff's Complaint for his failure to comply with this Court's discovery orders and failure to prosecute.

On March 7, 2005, the plaintiff requested, and was granted, a final extension for him to file long, overdue deposition transcripts and Answers to Interrogatories and Request for Production of Documents. (First, it was due to be answered on or before March 8, 2005 and then, March 18, 2005.) (**See Docket Entries nos. 221, 222 and 223.**)

As of this date, the plaintiff has failed to file his Answers to Defendants' First Set of Interrogatories and Request for Production of Documents, but has complied with the filings of the deposition transcripts.

In view of the above and plaintiff's contumacious discovery conduct that has affected defendants' discovery and depositions

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schedule, the defendant petitions for dismissal of this case or alternatively, that the discovery cut-off date be extended to August 1, 2005 and defendants' dispositive motion deadline be enlarged until August 15, 2005.

WHEREFORE, the defendants respectfully request from this Honorable Court that it dismiss plaintiff's Complaint for his failure to comply with this Court's discovery orders and failure to prosecute or, in the alternative, that the discovery and dispositive motion cut-off dates be enlarged as hereinabove set forth.

I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to Miguel E. Miranda Gutiérrez, Esquire, PMB 132, 500 Muñoz Rivera Avenue, Local 15, Hato Rey, Puerto Rico 00918-3349.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico, this 7<sup>th</sup> day of April 2005.

H.S. GARCIA  
United States Attorney

S/Fidel A. Sevillano Del Río  
FIDEL A. SEVILLANO DEL RIO  
Assistant U.S. Attorney  
U.S.D.C.-PR 117812  
Torre Chardón, Suite 1201  
350 Carlos Chardón Street  
San Juan, Puerto Rico 00918  
Telephone: 766-5656/282-1844  
Facsimile: 766-6219